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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,914	03/25/2004	Clifton Lind	988.1071	8059

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THE CULBERTSON GROUP, P.C.
1114 LOST CREEK BLVD.
SUITE 420
AUSTIN, TX 78746

EXAMINER

SKAARUP, JASON M

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,914

Applicant(s)

LIND ET AL.

Examiner

Jason Skaarup

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner has fully considered Applicant's Amendment, filed June 1, 2005, and has provided a response to Applicant's arguments following the rejection of claims 1-15 below. The Examiner has maintained the rejection from the previous Office Action. Accordingly, this Action is made **FINAL**.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication from the website, www.bingomania.net, which was published April 1999 and printed from <http://web.archive.org/web/19990421101542/http://www.bingomania.net/> (hereafter "BingoMania") in view of Soltesz et al. (U.S. Patent No. 5,830,069).

BingoMania discloses a gaming system and method for conducting bingo-type games over the Internet. Players register for an account at BingoMania and log into their account to begin play. BingoMania allows registered players to play 3 to 100 bingo cards at one time using automatic daubing (via auto-daub or "auto-daube") or manual daubing (via player input) to indicate which called numbers match numbers on each bingo card. BingoMania, however, does not explicitly teach the specific hardware capable of implementing the bingo-type gaming system. In a related network bingo-

type game, Soltesz et al. teach specific hardware capable of implementing the bingo-type gaming system taught by BingoMania. Specifically, Soltesz et al. teach a back office system (central site 10) including a data storage device (computer 1) for storing a number of bingo card representations and for storing a designation set for matching to at least one of the bingo card representations (called numbers from the bingo machine 16). Player stations (computers 5) include respective displays (screen 12) having a user interface device (screen 12 including touch screen capability as described in col. 3, lines 63-64). The player stations (computers 5) communicate with the back office system (central site 10) for receiving a result associated with at least one of the player bingo card representation. It would have been obvious for one skilled in the art at the time of the invention to incorporate the specific hardware as taught by Soltesz et al. to implement the bingo-type gaming system taught by BingoMania in order to offer players at multiple locations bingo-type games over network as desirably taught by Soltesz et al. (col. 1, lines 54-67). Further, it would have been obvious to substitute an automated control means (the auto-daub of BingoMania) for the manual means (player input via touch screen) of Soltesz et al. to daub bingo cards during game play since it has been recognized that the use of a conventional control to automate a previously manual operation involves only routine skill in the art. *In re Venner*, 120 USPQ 193 (CCPA 1958).

Regarding claims 3, 4, 8, 9, 13 and 14, Soltesz et al. disclose a user interface device (screen 12) including touch screen capability (col. 3, lines 63-64) for announcement of bingo by a player pressing a bingo virtual button on the screen 12. It

would have been an obvious matter of design choice to implement the manual daubing of BingoMania using touch screen display 12 of Soltesz et al. since Applicant has not disclosed that manual daubing via a touch screen display solves any stated problem or is for any particular purpose and it appears that the bingo-type game of BingoMania would perform equally well with manual daubing effected with a touch screen or another well-known input device (such as a mouse, a keyboard or a stylus).

Response to Arguments

4. Applicant's arguments filed June 1, 2005 have been fully considered but they are not persuasive. Applicant argues that there is no evidence that the printed publication "BingoMania" dated April 1999 was published prior to Applicant's effective filing date for the present application (December 20, 2001). The Examiner respectfully disagrees. The Examiner has provided Applicant with a copy of "Internet Archive Frequently Asked Questions" published at www.archive.org/about.faqs.php and retrieved from the same on July 2005, pages 1-46. The Internet Archive (accessed from www.archive.org) provides the Internet Archive Wayback Machine as a service that allows people to visit archived versions of websites (page 1). Every site is archived with a date code embedded in the archived url (page 7). The date code is in yyyyymmddhhmmss format, wherein yyyyymmdd corresponds to the year, month and day that the site was archived, respectively and wherein hhmmss corresponds to the hour, minute and seconds that the site was archived, respectively (page 7). Thus, in accordance with MPEP 2128, the publication "BingoMania" was published and available to the public on April 21, 1999 at

10:15:42 am as indicated in the embedded date code of url,

<http://web.archive.org/web/19990421101542/http://www.bingomania.net/>.

Applicant further argues that BingoMania does not disclose that a player may enter an "automatic daub input" through a user interface at a player station or that BingoMania discloses an "automatic daub control" for automatically daubing the at least one bingo card representation in response to the automatic daub input. The Examiner respectfully disagrees. BingoMania teaches that a user can select an auto-daub feature or a manual daub feature to daub bingo cards during game play and that auto-daub will be enabled with the purchase of more than 3 cards. In BingoMania, selection of the auto-daub feature or the player's purchase of 3 cards constitutes player entry of an "automatic daub input" through a user interface. Further, BingoMania teaches an "automatic daub control" for automatically daubing the at least one bingo card representation in response to the auto-daub feature enabled by the user. To this end, the BingoMania software automatically daubs the player's bingo cards during game play when the player enables the auto-daub feature and allows manual daubing of the player's bingo cards during game play when the player disables the auto-daub feature. The term "auto-daub" or "auto-daube" is defined in the publications www.onlinebingo.com (hereafter "Online Bingo") and www.bingomania.com/faqdetail.asp?page=TipsTricks (hereafter "BingoMania Tips Tricks"), which are cited as extrinsic evidence for the term "auto-daub" or "auto-daube".

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is listed on the attached Notice of References Cited (PTO-892).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jason Skaarup whose telephone number is 571-272-4455. The Examiner can normally be reached on Monday-Thursday (10:00-8:00).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, Jessica Harrison can be reached at 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JESSICA HARRISON
PRIMARY EXAMINER